उपसभापति : शुक्रिया, आपका बहुत-बहुत शुक्रिया ।

एक माननीय सदस्य : 33 प्रतिशत आरक्षण चाहिए ।

उपसभापति : बिल्कुल चाहिए । I am very serious. The Minister of Law, Justice and Company Affairs is before us. I want him to use all his influence, his violence, charm, whatever he has, in getting this Bill passed.

SHRI RAM JETHMALANI: Madam, thanks for referring to my disappeared charm.

THE DEPUTY CHAIRMAN: Now, I request Shri Ram Jethmalani to move a motion for the consideration of the Notaries (Amendment) Bill, 1997.

THE NOTARIES (AMENDMENT) BILL, 1997

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI RAM JETHMALANI): Madam, I beg to move:

> "That the Bill further to amend the Notaries Act, 1952, be taken into consideration."

Madam, this is an innocuous and a totally innocent Bill; to amend a long-forgotten statute of 1952. This is an Act of 1952 called the Notaries Act. Notaries existed even before the Notaries Act was introduced. The 1952 legislation attempted to institutionalise it and to create some detailed provisions for the regulation of the notary public. After so many years, it was found necessary to re-examine it, and a committee was appointed sometime in 1994. That Committee made a few recommendations which became the subject-matter of this Amendment Bill.

The hon. Members will find that the Statement of Objects and Reasons of this Amendment Bill is not mine, but of my distinguished predecessor and my dear friend, Mr. Ramakant Khalap. Obviously, when this Amendment Bill was introduced, it must have received the assent of the other section of this House, who are now not a part of this House. But I think, this is an absolutely unanimous measure. All that it seeks to do is that instead of three years' appointment, it makes it five years' appointment; it increases the punishment for misrepresenting yourself to be a notary public when you are not -- it increases it from three months to one year. And the Committee had recommended that sometimes this notary public may, on directions of a

court, be requested also to perform the functions of a judge. Now, that is somewhat unconstitutional because we cannot have a new class of judge who is not appointed in accordance with the constitutional methods of appointment. Therefore, we have only dropped that. The Notary Public can, by a court order, act as a commissioner for recording evidence, and he may perform the duties of a conciliator or even an arbitrator, but not to become a prot-tem judge. That is the simple change we have made in Mr. Khalap's proposals. Madam, as I said earlier, this is totally a non-controversial Bill, and I would request the House not only to consider it, but also proceed to pass it.

The question was proposed.

THE DEPUTY CHAIRMAN : I have only two names on it, no other names. If the Bill is not controversial, then we can even pass it without discussion.

SHRI SANGH PRIYA GAUTAM : Madam, I have given my name, and I will take only one minute.

THE DEPUTY CHAIRMAN : Shri Dave has also given his name.

श्री अनन्तराय देवशंकर दवे (गुजरात) महोदया, मुझे इसमें केवल दो तीन बातें कहनी हैं । एक तो प्रो-टर्म वाली बात जो इसमें अमेंडमेंट, गवर्नमेंट की ओर से आया है वह सफिसिएंट है। इसमें मुझे एक बात यह कहनी है कि सेंट्रल गवर्नमेंट के जो नोटरी एप्वाइंट होते हैं कई सालों से उनकी अप्लीकेशन पेंडिंग पड़ी हुई हैं । मैं यह चाहता हूं कि इसमें कुछ सुधार आना चाहिए । एक बात और है कि इसमे ट्रांसपरेंसी जरूरी है । पूरे देश में , जहां जहां सेंट्रल गवर्नमेंट के आफिसेज हैं उनको वहां जोन बनाकर, इनको जोन में बांटकर सरकार को जो कई सालों से नोटरी की एप्लीकेशंस पड़ी हुई हैं उनको निकाल देना चाहिए । इसके लिए कुछ सिस्टम होना चाहिए और उसके अनुसार काम होना चाहिए । एक बात और, मानीटरिंग जो होनी चाहिए, कमेटी में भी आपने अपने आबजर्वेशन में कहा है कि डिस्ट्रिक जज मानीटरिंग करेंगे । लेकिन मैं मानता हूं कि यह सफिसियेंट नहीं है । किसी एक सिस्टम या रूल्स के मुताबिक किसी एक तरीके से इसको इंट्रोड्यूज करना चाहिए । हम सब जानते हैं कि कई जगहों पर नोटरी का काम किस तरह से चलता है । डिस्ट्रिक्ट जज मानीटर करेंगे, गवर्नमेंट ने यह रिप्लाई स्टेडिंग कमेटी में दिया है । लेकिन यह रिप्लाई सफिसियेंट नहीं है । इसलिए इसके लिए कोई एक सिस्टम ढूंढकर इसका एक सिस्टम बनाना चाहिए ताकि इनकी मानीटरिंग अच्छी तरह हो । इतना ही इसमें किया जाना चाहिए और बाकी जो इस बिल में आया है यह सफिसियेंट है और मैं इसको सपोर्ट करता हूं ।

श्री संघ प्रिय गौतम : मैडम, आमतौर से जनपद न्यायालयों में जो नोटरी पब्लिक हैं उनका काम है शपथ पत्र तस्दीक करना । आजकल जब से यह विकास और कल्याण का काम सरकारों का प्रारंभ हुआ है इससे तरह तरह के विवाद खुले हैं और शपथ पत्र बहुत आते हैं । यह एक तरह से वकीलों की आमदनी का जरिया है । अब होता क्या है किजिस तरह से शादी पंखेर में जिसके जितने लंबे हाथ होते हैं, उसी तरह से जो पैसा बटोर लेते है, नोटरी पब्लिक भी ज्यादातर वही वकील अप्वाइंट होते हैं, जयादातर वही बनते हें जिनकी प्रैटिस अच्छी होती है और जो अच्छा पैसा कमाते हैं और अच्छे घरों से आते हैं इसलिए क्योंकि यह आमदनी का जरिया भी है इसलिए दलित वर्ग, अनुसूचितजाति और जनजातियों के वकीलों को, जिनके पास बहुत कम मुकदमे आते हैं या जो बुजुर्ग लोग हैं या जिनका कोई आमदनी का अच्छा जरिया नहीं है, जिनके पास कोई ज्यादा काम नहीं है, उनको इसमें प्राथमिकता देनी चाहिए और उनकी नियुक्ति ज्यादा संख्या में की जानी चाहिए1 इन शब्दों के साथ मैं इस विधेयक का समर्थन करता हूं1

SHRI BRATIN SENGUPTA (West Bengal) : Madam, I absolutely agree with the Minister that this is an innocuous Bill, and it requires to be passed, if possible, without discussion. My only criticism of the Government is that this kind of an Amendment Bill should have been brought forward much earlier. It is too late for our society. The Government should take note of this and bring forward similar kinds of amending Bills in future, well in advance. With this, I support the Bill and hope for its acceptance.

THE DEPUTY CHAIRMAN : Provided we don't have six or eight months' gap and have no elections in future.

SHRI BRATIN SENGUPTA : It was very unfortunate.

THE DEPUTY CHAIRMAN : Because we missed a couple of Sessions. .....*(Interruptions)*.....

SHRI RAM JETHMALANI : Madam, I am very happy that some useful suggestions have been made by hon. Members. There are a lot of pending applications. In fact, I have allowed them to pile up because I wanted this legislation to be through and then dispose them of. I assure the House that all pending applications will be immediately disposed of.

With regard to monitoring the work by rules which we frame under the Act, that process will be tightened up and there will be no cause for

complaint. Madam, Notary Public is a very important one and it has international importance. It is an international institution. Documents which are authenticated by the Notary Public have prima facie validity and presumption of genuineness all over the world. Therefore, it is very necessary that we should have responsible lawyers appointed to this institution. So far as incumbency is concerned, they charge ten rupees or fifteen rupees which does not even cover the cost of the stamps which these people have to keep in their offices. We are, in fact, thinking of increasing the emoluments of Notaries Public by rules. I am glad that my friend says that it should have been introduced much earlier. I apologise for the delay. The delay is not for reasons for which I am responsible. It is for reasons beyond my control. Thank you.

डा0 अलादी पी0 राजकुमार (आन्ध्र प्रदेश) : उपसभापति महोदया, अभी जो गौतम जी ने कहा, मंत्री जी ने उसका जवाब नहीं दिया । उन्होंने यह सुझाव दिया कि नोटरी की अप्वाइंटमेंट में एस0सी0 और ओ0बी0सी0 को मौका दिया जाना चाहिये । मैं आपके माध्यम से यह कहना चाहता हूं कि महिलाओं को भी मौका दिया जाना चाहिये ।

SHRI RAM JETHMALANI: Hon. Members know my weakness in that connection and I do not have to repeat them.

THE DEPUTY CHAIRMAN: Thank you for considering the case of weaker sections. I hope, the way we are getting your Bill passed, you will also get all the pending cases in the courts cleared with this expediency.

Now, I put the motion for consideration to vote.

The question is:

"That the Bill further to amend the Notaries Act, 1952"
be taken into consideration

The motion was adopted.

THE DEPUTY CHAIRMAN: We shall now take up clause-by-clause consideration of the Bill.

Clauses 2 and 3 were added to the Bill.

Clause 4 (Amendment of Section 8)

SHRI RAM JETHMALANI: Madam, I move :

That at page 2, *for* lines 8-12, the following be *substituted*, namely:-

(No.3)

"(ha) act as a Commissioner to record evidence in any civil or criminal trial if so directed by any court or authority;

(hb) act as an arbitrator, mediator or conciliator, if so required;."

The question was put and the motion was adopted.

Clause 4, as amended, was added to the Bill.

Clauses 5 to 7 were added to the Bill.

Clause 1 (Short Title)

SHRI RAM JETHMALANI: Madam, I move :

"That at page 1, line 3, *for* the figure "1997" the figure "1999" be *substituted.*

(No.2)

The question was put and the motion was adopted.

Clause 1, as amended, was added to the Bill.

Clauses 5 to 7 were added to the Bill.

Enacting Formula

SHRI RAM JETHMALANI: Madam, I move :

(No.1) "That at page 1, line 1, for the word 'Forty-eight' the word 'Fiftieth' be *substituted.*"

The question was put and the motion was adopted.

The Enacting Formula, as amended, was added to the Bill.

The Title was added to the Bill.

SHRI RAM JETHMALANI: Madam, I move:

"That the Bill, as amended, be passed."

The question was put and the motion was adopted.